

## *Charter*

### JAMESTOWN 400TH COMMEMORATION COMMISSION

This charter is for the purpose of formally acknowledging the Jamestown 400th Commemoration Commission as an entity within the U.S. Department of the Interior, established to carry out functions authorized and specifically assigned to the Commission by the Jamestown 400th Commemoration Commission Act of 2000. The Commission is subject to administrative requirements applicable to other functional units of the Department of the Interior, except as may be otherwise stipulated by the Jamestown 400th Commemoration Commission Act of 2000 and indicated in other sections of this charter.

1. **AUTHORIZATION.** The Jamestown 400th Commemoration Commission (hereinafter referred to as the Commission) is a Federal operating commission established by Public Law 106-565, the Jamestown 400th Commemoration Commission Act of 2000 (hereinafter referred to as the Act), December 23, 2000.
2. **PURPOSE AND DUTIES.** The Commission was established to:
  - a. Plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the founding of Jamestown;
  - b. Generally facilitate Jamestown-related activities throughout the United States;
  - c. Encourage civic, patriotic, historical, educational, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the founding and early history of Jamestown;
  - d. Coordinate and facilitate for the public: scholarly research on, publication about, and interpretation of, Jamestown;
  - e. Ensure that the 400th anniversary of Jamestown provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities;
  - f. Develop, in accord with the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285), a strategic plan and annual performance plans for the activities of the Commission; and
  - g. Complete and submit to the Secretary of the Interior, not later than September 30, 2008, a final report that contains:
    - (1) a summary of the activities of the Commission;
    - (2) a final accounting of funds received and expended by the Commission; and
    - (3) findings and recommendations of the Commission.

3. **POWERS.** The Commission may:

- a. Accept donations and make dispersions of money, personal services, and real and personal property related to Jamestown and to the significance of Jamestown in the history of the United States;
- b. Appoint such advisory committees as the Commission determines to be necessary to carry out its duties and responsibilities as defined in the Act and in conformance with the by-laws of the Commission;
- c. Authorize any member or employee of the Commission to take any action that the Commission is authorized to take under the Act;
- d. Procure supplies, services, and property, and make or enter into contracts, leases or other legal agreements, to carry out the duties and responsibilities of the Commission as determined by the Act. Any contracts, leases or other legal agreements made or entered into by the Commission may not extend beyond September 30, 2008.
- e. Use the United States mails in the same manner and under the same conditions as other Federal agencies;
- f. Make grants in amounts not to exceed \$10,000 each to communities and nonprofit organizations to develop programs to assist in the commemoration;
- g. Make grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of Jamestown; and
- h. Provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

4. **MEMBERSHIP.**

- a. The Commission will consist of 16 members—a chairperson and 15 other members—appointed by the Secretary of the Interior, as follows:
  - (1) Four members taking into consideration the recommendations of the Chairperson of the Jamestown 2007 Steering Committee;
  - (2) Four members taking into consideration the recommendations of the Governor of the Commonwealth of Virginia;
  - (3) Two members will be employees of the National Park Service of which one will be the Director of the National Park Service (or a designee) and the other will be an employee having experience relevant to the commemoration;
  - (4) Five members will be individuals that have an interest in, support for, and expertise appropriate to, the commemoration; and

- (5) A chairperson taking into consideration any recommendations of the Governor of the Commonwealth of Virginia.
- b. Members will be appointed for the life of the Commission. A vacancy on the Commission will be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy will serve for the remainder of the term for which the predecessor of the member was appointed.
- c. The Commission's by-laws will set requirements for Commission members participation in Commission proceedings and activities and will establish procedures for replacement of Commission members due to non-participation.

5. ADMINISTRATION.

- a. The Director of the National Park Service (or designee) will serve as the Secretary of the Interior's liaison with the Commission.
- b. The Commission will meet at the call of the Chairperson of the Commission or the majority of members of the Commission, but no more than five times annually and no less than twice annually.
- c. Not later than 30 days after the date on which all members of the Commission have been appointed the Commission will hold its initial meeting.
- d. The Commission will act only on an affirmative vote of a majority of the members of the Commission.
- e. Commission members will serve without compensation, except for Federal employees who will continue to receive pay for employment as an officer or employee of the Federal government.
- f. Commission members will be reimbursed for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in the performance of Commission duties.
- g. By the conclusion of its third meeting, the Commission will adopt by-laws governing its operation, including:
  - (1) Procedures by which the Commission will avoid the appearance of conflict of interest when addressing matters that come before the Commission;
  - (2) Requirements for Commission members participation in Commission proceedings; and
  - (3) Procedures by which the Commission may recommend to the Secretary the replacement of Commission members due to non-participation.

- h. The Commission will comply with all applicable Federal statutes and regulations governing the use of appropriated funds, with the National Park Service Northeast Regional Director providing appropriate oversight and direction as needed.
- i. The Commission will prepare a budget detailing how its funds will be utilized, and institute a system of accounting and management controls which adequately safeguards its funds. The Commission's expenses will not exceed the amount appropriated by Congress for the Commission's purposes, plus donations that it may obtain from other public or private entities.
- j. All activities undertaken by the Commission and its staff will be consistent with the laws, regulations, guidelines, policies and practices applicable to the Department of the Interior, except where the Act allows exception. The National Park Service will provide appropriate oversight and direction as needed.

## 6. PERSONNEL AND SERVICES.

- a. The Chairperson of the Commission may, without regard to civil service laws (including regulations) appoint and terminate an executive director and such other personnel as are necessary to enable the Commission to perform its duties.
- b. Employment of an executive director will be subject to confirmation of the Commission.
- c. The Chairperson of the Commission may fix the compensation of the staff of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classifications of positions and General Schedule pay rates. However, the pay of Commission staff shall not exceed the rate payable for level V of the Executive Schedule under 5316 of title 5, United States Code.
- d. The Commission may request, from the head of any Federal agency, personnel of the agency, on a reimbursable or non-reimbursable basis, to be detailed to assist the commission in carrying out its duties.
- e. The Commission may accept the services of personnel detailed from States or any political subdivisions of the States, and may reimburse States or such political subdivisions for services of detailed employees.
- f. Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.
- g. The Commission may request from the Director of the National Park Service, on a reimbursable basis, administrative support services.
- h. The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals

that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

7. **LIMITATION ON AUTHORITIES.** The Commission does not have any powers or authority not specifically granted to it under the Act. Specifically the Commission does not have any power or authority over the Commonwealth of Virginia, the National Park Service, the Association for the Preservation of Virginia Antiquities, or other groups working on or concerning the commemoration.
8. **FACA NON-APPLICABILITY.** The Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix, does not apply to operations or meetings of the Commission. The Commission's by-laws will provide opportunities for public input and involvement in Commission proceedings.
9. **TERMINATION.** The Commission will terminate on September 30, 2008.



Secretary of the Interior

MAR 6 2003

Date